

Exhibit Y

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LAURA GARRETT and MICHAEL *
GARRETT, SR., individually *
and as representatives of *
the Estate of Michael *
Garrett, Jr., Deceased, *
Plaintiffs, *

VS. *

COMAL COUNTY; MARK W. *
REYNOLDS, individually and *
as the Comal County Sheriff; *
OFFICER ORLANDO MENDOZA; *
OFFICER ERIK ROMO; OFFICER *
GONZALEZ; OFFICER OZUNA; *
EMT ERICA ROSALES; and *
SERGEANT THOMAS GARZARECK, *
Defendants. *

Case No.
5:21-CV-00803-JKP-RBF

ORAL AND VIDEOTAPED DEPOSITION OF
STACY SINNER
FEBRUARY 15, 2023
(Reported Remotely)

1 ORAL AND VIDEOTAPED DEPOSITION OF STACY
2 SINNER, produced as a witness at the instance of the
3 Comal County defendants and duly sworn, was taken via
4 videoconference in the above-styled and numbered cause
5 on the 15th day of February, 2023, from 8:58 a.m. to
6 12:00 p.m., before Marsha Yarberry, Certified Shorthand
7 Reporter in and for the State of Texas, reported by
8 machine shorthand, in Kasson, Minnesota, pursuant to
9 the Federal Rules of Civil Procedure and the provisions
10 stated on the record.
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APPEARANCES (VIA VIDEOCONFERENCE)

FOR THE PLAINTIFFS:

Mr. Tim Maloney
THE LAW OFFICES OF MALONEY & CAMPOLO
926 South Alamo Street
San Antonio, Texas 78205
tmaloney@maloneyandcampolo.com

FOR THE DEFENDANTS COMAL COUNTY; MARK W. REYNOLDS,
INDIVIDUALLY AND AS THE COMAL COUNTY SHERIFF;
CORRECTIONS OFFICER ORLANDO MENDOZA; CORRECTIONS
OFFICER ERIK ROMO; CORRECTIONS OFFICER ALBERTO
GONZALEZ; CORRECTIONS OFFICER ASHLEY OZUNA; AND
CORRECTIONS SERGEANT THOMAS GARZARECK:

Mr. Michael Shaunessy
MCGINNIS LOCHRIDGE LLP
1111 West 6th Street, Suite 400
Austin, Texas 78703
mshaunessy@mcginnislaw.com

FOR THE DEFENDANT EMT ERICA ROSALES:

Mr. Christopher G. Rigler
THOMPSON, COE, COUSINS & IRONS, LLP
700 North Pearl Street, 25th Floor
Dallas, Texas 75201
crigler@thompsoncoe.com

ALSO PRESENT:

Ms. Claudia Martinez, Paralegal
Ms. Megan King, Videographer

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EXHIBITS

NO. DESCRIPTION PAGE/LINE REFERENCED

Exhibit 1..... 39/3

Instructions for Suicide and
Medical/Mental/Developmental Impairments
Form

Exhibit 2..... 41/8

Intake Receiving and Screening (Texas)

Exhibit 3..... 46/14

Report of Investigation, 20 pages

Exhibit 3 84/11

Report of Investigation, 15 pages

Exhibit 4..... 84/11

Video

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Video

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Comal County Jail Additional Narrative

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1 THE VIDEOGRAPHER: Good morning. We are
2 on the record at 8:58 a.m. on February 15th, 2023.
3 This is the deposition of Stacy Sinner in the matter of
4 Laura Garrett, et al., versus Comal County, et al.,
5 filed in the Western District of Texas, San Antonio
6 Division, Case No. 5:21-CV-00803-JKP-RBF. This
7 deposition is being conducted remotely.

8 At this time, Counsel, please state your
9 appearances for the record beginning with the noticing
10 attorney.

11 MR. SHAUNESSY: Michael Shaunessy for the
12 Comal County defendants.

13 MR. RIGLER: Christopher Rigler for EMT
14 Erica Rosales.

15 MR. MALONEY: Tim Maloney for Plaintiff
16 Garrett.

17 (Witness sworn)

18 STACY SINNER,
19 having been first duly sworn, testified as follows:

20 EXAMINATION

21 QUESTIONS BY MR. SHAUNESSY:

22 Q. Ms. Sinner, you've been retained as an expert
23 in the lawsuit we refer to as Garrett versus Comal
24 County.

25 A. Yes, sir.

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Q. Well, the symptoms of anxiety include feeling nervous, restless, and tense, correct?

A. Yes.

Q. Okay. Another symptom of anxiety is increased heart rate, correct?

A. I think that's probably true, but again that's outside my expertise.

Q. Okay. In connection with your training as a

1 corrections officer you weren't trained as to the
2 symptoms of anxiety?

3 A. Yes.

4 Q. You were?

5 A. Yes.

6 Q. Okay. And you just don't remember if
7 increased heart rate was a symptom of anxiety that you
8 were trained on, correct?

9 A. What I'm saying as a correctional officer is
10 that the correctional officer probably wouldn't check
11 the heart rate. That would be done by a medical
12 person. So it wouldn't be one of the things that a
13 correctional officer would use necessarily to determine
14 that because they wouldn't do it.

15 Q. And if a medical person took the -- took the
16 person's heart rate and said it was elevated, that
17 would be consistent with a symptom of anxiety; is that
18 correct?

19 A. Could be.

20 Q. Okay.

21 A. Could be a symptom of a lot of things, so --

22 Q. Rapid breathing and respiratory distress can
23 be a symptom of anxiety, correct?

24

25 THE WITNESS: I think so. Uh-huh.

1 Q. (By Mr. Shaunessy) Sweating can be a symptom
2 of anxiety, correct?

3 A. I don't know.

4 Q. It can't be?

5 A. I don't know the answer to that question.

6 Q. Is trembling a symptom of anxiety?

7 A. I also don't know the answer to that question.

8 Q. Trouble concentrating or responding to
9 questions, is that a symptom of anxiety?

10 A. I think that can be true, yes.

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Q. (By Mr. Shaunessy) At the time that Mr. Garrett refuses to answer the questions the officers don't know if he's taken drugs or not, correct?

A. So I would say that, again, I don't know that he refused to answer the questions. He may have been unable to answer the questions. And, yes, it's true that they don't know for certain that he has taken drugs, but there is some evidence that should alert them to the fact that it's a possibility.

Q. (By Mr. Shaunessy) They don't know whether he's taken drugs at the time, correct?

THE WITNESS: Correct.

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Q. Okay. So it would be certainly pertinent for
the staff at the Comal County Jail to consider that

1 what they are seeing could be symptoms of anxiety,
2 correct?

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4 THE WITNESS: So some of what they could
5 see, yes, could be symptoms of anxiety. And I would
6 just say that they're not mutually exclusive. So a
7 person could have anxiety and also be under the
8 influence of drugs and also and also, so it's not just
9 a singular thing.

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Q. One of the -- let me ask you, do you have -- you haven't issued any opinions on it, but do you have any concerns with the use of force in this case from what you've seen?

A. No. Not the techniques. Again, I would -- I would just say that the whole incident should have been backed up to -- for -- certainly to Exhibit J where in my opinion he should have -- they should have been seeking medical attention for him, emergency medical attention. But, no, there's nothing wrong with their techniques, and I don't suggest any nefarious intent.

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Q. With respect to the individual defendants in this case, do you know of any evidence that any of -- any of them subjectively believed that Mr. Garrett was in what you call a medical emergency?

A. I don't know.

Q. And you can't testify to that.

A. I cannot.

1 Q. You reviewed the medical records, correct?

2 A. Yes.

3 Q. You reviewed deposition testimony, correct?

4 A. Yes.

5 Q. In any of those materials did you see any
6 evidence that Mr. Garrett requested to see a doctor?

7 A. No.

8 Q. In any of those materials did you see any
9 evidence that Mr. Garrett requested to see a nurse?

10 A. No.

11 Q. In any of those -- in any of that evidence did
12 you -- did you see Mr. Garrett request an EMT?

13 A. No.

14 Q. In all that evidence and everything that
15 you've reviewed have you seen anything that showed that
16 Mr. Garrett requested to go to the hospital?

17 A. No.

18 Q. In any of the evidence that you've reviewed in
19 connection with this case did you see Mr. Garrett
20 request to receive medical care?

21 A. No.

22 Q. You would agree with me that Mr. Garrett never
23 requested medical care and was then denied it, correct?

24 A. Correct.

25 Q. All right. In fact, you would agree with me

1 also that the evidence you reviewed shows that when
2 medical care was attempted, such as taking vital signs,
3 Mr. Garrett refused that care, correct?

4 A. I don't know that I'd agree with that
5 necessarily. I don't know that he was in a position to
6 refuse.

7

8 Q. (By Mr. Rigler) Did he ever -- let me ask the
9 question again.

10 You would agree with me that the evidence
11 you reviewed shows that when medical care was
12 attempted, such as taking vital signs, Mr. Garrett
13 refused the care verbally, correct?

14 A. He did refuse the care in some cases, yes.

15 Q. Okay. For instance, when they tried to take
16 his vital signs he refused care, correct?

17 A. He indicated no.

18 Q. That's a refusal, isn't it?

19 A. Yes.

20 Q. All right. When -- counsel referenced this
21 earlier. When there was attempt to assist him with a
22 scratch on his left eye, he refused medical care,
23 correct?

24 A. Yes.

25 Q. And then also EMT Rosales noted that she had

1 offered to clean his lacerations and he refused medical
2 care in that instance too, correct?

3 A. Yes.

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Defendants. *

Case No.
5:21-CV-00803-JKP-RBF

REPORTER'S CERTIFICATION
DEPOSITION OF STACY SINNER
FEBRUARY 15, 2023

I, Marsha Yarberry, Certified Shorthand
Reporter in and for the State of Texas, hereby certify
to the following:

That the witness, STACY SINNER, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness.

I further certify that pursuant to FRCP
Rule 30(f)(1) that the signature of the deponent:

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1 _____ was requested by the deponent or a
2 party before the completion of the deposition and is to
3 be returned within 30 days from date of receipt of the
4 transcript. If returned, the attached Changes and
5 Signature pages contain any changes and the reasons
6 therefor;

7 __xx__ was not requested by the deponent or a
8 party before the completion of the deposition.

9 I further certify that the amount of time used
10 by each party at the deposition is as follows:

11 Mr. Michael A. Shaunessy - 1 hour, 35 minutes

12 Mr. Christopher G. Rigler - 6 minutes

13 Mr. Tim Maloney - 54 minutes.

14 I further certify that I am neither counsel
15 for, related to, nor employed by any of the parties or
16 attorneys in the action in which this proceeding was
17 taken. Further, I am not a relative or employee of any
18 attorney of record, nor am I financially or otherwise
19 interested in the outcome of the action.

20 Subscribed and sworn to on this the 17th day
21 of February, 2023.

22 <%signature%>

23 MARSHA YARBERRY, TEXAS CSR

 Veritext Legal Solutions

 Firm Registration No. 571

24 300 Throckmorton, Suite 1600

 Fort Worth, Texas 76102

25 800-336-4000

1 Garrett, Laura, Et Al v. Comal County, Et Al

2 Stacy Sinner Job No. 5665885

3 E R R A T A S H E E T

4 PAGE_____ LINE_____ CHANGE_____

5 _____

6 REASON_____

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24 Stacy Sinner

Date

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Garrett, Laura, Et Al v. Comal County, Et Al

Stacy Sinner 5665885

ACKNOWLEDGEMENT OF DEPONENT

I, Stacy Sinner, do hereby declare that I have read the foregoing transcript, I have made any corrections, additions, or changes I deemed necessary as noted above to be appended hereto, and that the same is a true, correct and complete transcript of the testimony given by me.

Stacy Sinner

Date

*If notary is required

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 20____.

NOTARY PUBLIC